

---

**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
SpectraSite Communications, LLC through	)	
American Towers, LLC	)	File No.: EB-FIELDWR-17-00023532
	)	
Antenna Structure Registrant	)	
	)	
ASR# 1226410	)	NOV No.: V201732920004
	)	
Weitz, Idaho	)	

**NOTICE OF VIOLATION**

**Released: February 27, 2017**

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to SpectraSite Communications, LLC through American Towers, LLC (American Towers), registrant of antenna structure ASR# 1226410 in Weitz, Idaho. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On February 8, 2017, approximately 8:33 AM local time, the Portland Office received a complaint concerning tower light outage on antenna structure ASR#1226410. The agent investigated the complaint and observed the following violation:

- a. 47 C.F.R. § 17.48(a): "The owner of any antenna structure which is registered with the Commission has been assigned lighting specifications referenced in this part shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not

---

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

---

## Federal Communications Commission

---

corrected within 30 minutes.” Approximately 12:10 PM local time on February 8, 2017, the Portland agent contacted the Flight Service Station (FSS) at 877-478-6867 to inquire whether there was a Notice to Airmen (NOTAM) to cover for the light outage on antenna structure ASR# 1226410. The FSS informed the agent that there was no NOTAM filed in effect for this tower. Upon request from the agent, the FSS filed a NOTAM number EUL 02/008 with an expiration date of February 23, 2017. A local representative from American Towers indicated that the top-level, red steady burning light for nighttime was extinguished on or approximately February 6, 2017; therefore, the American Towers failed to timely notify the FSS or the Federal Aviation Administration the tower light outage within 30 minutes.

3. Pursuant to Sections 303(q) and 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, American Towers, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct American Towers to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of American Towers with personal knowledge of the representations provided in American Towers’ response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

---

<sup>3</sup> 47 U.S.C. §§303(q), 403.

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

## **Federal Communications Commission**

---

Federal Communications Commission  
Portland Office  
P.O. Box 61469  
Vancouver, Washington 98666-1469

6. This Notice shall be sent to SpectraSite Communications, LLC through American Towers, LLC at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau

---

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).